

REMARKS

Rejection Under 35 U.S.C. §102

The Examiner rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by Ali et al. (J. Biol. Chem., Vol. 266, No. 30, pp. 20110-20117, 1991). Specifically, the Office points to the teaching of Ali et al. and states that this document teaches a method of searching for physiologically active peptides as set forth in the instant specification. Applicants respectfully traverse this objection.

The Examiner states that Ali discloses “synthesizing a peptide (isolation of peptide) having at least 70% homology . . . ” Applicant respectfully asserts that Ali et al. discloses no such thing. Claim 1 requires that a peptide corresponding to the “missing region” be synthesized. Nowhere in Ali is the claim element “synthesizing a peptide having at least 70% homology to said corresponding peptide sequence” disclosed. Indeed, Ali et al. disclosed the sequences of the complete prolactin receptor isoforms. Ali et al., however, never specifically synthesized a peptide comprised of the identified “missing region.”

Nor does Ali et al. disclose “testing said peptide for activity as an antagonist to the ligand for the receptor or to the cell which expresses the receptor of the ligand.” Since Ali et al. never synthesized the “missing region” peptide, they obviously did not test it as well. In the passages cited by the Examiner as anticipating this element, Ali et al. merely disclose the differential binding coefficients of prolactin to the different isoform prolactin receptors. Nowhere is the testing of the peptide representing the “missing region” tested as an antagonist to prolactin or to cells which express the prolactin receptor.

For anticipation under 35 U.S.C. § 102, the reference must teach **every aspect of the claimed invention** either explicitly or impliedly. Any feature not directly taught must be inherently present. (See MPEP § 706.02). As Applicants have convincingly demonstrated that the reference Ali et al. does not teach every aspect of the claimed invention, the Examiner is respectfully requested to withdraw the anticipation rejection.

Rejections Under 35 U.S.C. §103

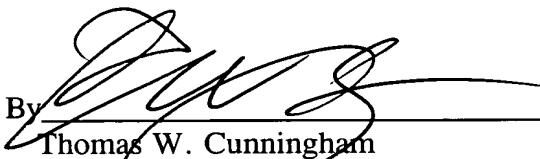
The Examiner rejected Claims 4, 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Ali et al. in view of Kelly et al. (U.S.P.N. 6,083,753). Applicants traverse this rejection for the same reasons stated above. Neither Ali et al. nor Kelly et al. disclose the synthesis of a peptide having at least 70% homology to the "missing region." Nor do Ali et al. or Kelly et al. disclose testing of a peptide directed to the "missing region" "for activity as an antagonist to the ligand for the receptor or to the cell which expresses the receptor of the ligand." Since the references cited by the Examiner do not meet all the limitations of any of the claims of the application, the obviousness rejection is improper. Applicants respectfully request that this rejection be removed.

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested.

A check in the amount of \$55.00 is enclosed to cover the Petition fee. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978 – a duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

KENJI SAKAMOTO

By 

Thomas W. Cunningham

Reg. No. 48,722

Attorney/Agent for Applicant

Date: **June 25, 2004**

BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351